

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY BRUSSELS
AMEMBASSY BONN
AMEMBASSY THE HAGUE
AMEMBASSY STOCKHOLM
AMCONSUL HAMBURG

UNCLAS STATE 263045

PARIS FOR OECD, BRUSSELS ALSO FOR USEEC

E.O. 11652: N/A

TAGS:EWWT

SUBJECT:EUROPEAN DEMARCHE ON ANTITRUST INVESTIGATION OF
NORTH ATLANTIC CARRIERS

REF: STATE 211151

FOLLOWING IS TEXT OF NOTE DEPARTMENT SENT OCTOBER 31 TO
EMBASSIES OF UK, FRANCE, BELGIUM, FRG, NETHERLANDS AND
SWEDEN RESPONDING TO THOSE COUNTRIES' SEPTEMBER 1 REPRE-
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SENTATION (REFTEL):

QUOTE:

THE SECRETARY OF STATE PRESENTS HIS COMPLIMENTS TO THEIR
EXCELLENCIES AND MESSIEURS THE CHIEFS OF MISSION OF
BELGIUM, FRANCE, THE FEDERAL REPUBLIC OF GERMANY, THE

NETHERLANDS, SWEDEN AND THE UNITED KINGDOM AND HAS THE HONOR TO REFER TO THEIR NOTE OF SEPTEMBER 1, 1977 CONCERNING THE INVESTIGATION BY THE UNITED STATES DEPARTMENT OF JUSTICE OF OCEAN CARRIERS IN THE NORTH ATLANTIC TRADE BETWEEN EUROPE AND THE UNITED STATES.

REGARDING THE REQUEST IN THAT NOTE FOR DISCUSSIONS BETWEEN THE ABOVE-MENTIONED GOVERNMENTS AND THE UNITED STATES GOV-

ERNMENT, THE DEPARTMENT OF STATE WOULD BE PLEASED TO HOLD DISCUSSIONS ON THE GENERAL SUBJECT OF POTENTIAL CONFLICTS ARISING FROM ANTITRUST AND OTHER INVESTIGATIONS OF SHIPPING PRACTICES. THESE DISCUSSIONS WOULD CONSIDER THE GENERAL LEGAL PREMISES AND PHILOSOPHY CONCERNING THE APPLICATION OF UNITED STATES ANTITRUST LAWS TO SHIPPING ACTIVITIES IN THE CONTEXT OF THEIR REGULATION BY THE UNITED STATES GOVERNMENT UNDER THE SHIPPING ACT OF 1916 AND THE SUPREME COURT DECISION IN THE SVENSKA ' CASE. THE DISCUSSIONS WOULD ALSO CONSIDER OTHER ASPECTS OF UNITED STATES REGULATORY PHILOSOPHY AND PRACTICE, INCLUDING CURRENT INVESTIGATIVE EFFORTS BY THE FEDERAL MARITIME COMMISSION TO COMBAT REBATING.

AS WAS NOTED BY UNDER SECRETARY COOPER ON SEPTEMBER 1, THE DEPARTMENT BELIEVES THAT THESE DISCUSSIONS SHOULD BE CONFINED TO THIS GENERAL POLICY QUESTION. IT WOULD NOT UNCLASSIFIED

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BE APPROPRIATE TO DISCUSS THE DETAILS OR LEGAL MERITS OF THE CURRENT GRAND JURY INVESTIGATION OF OCEAN CARRIERS, OR OF ANY OTHER INVESTIGATION CURRENTLY IN THE JUDICIAL PROCESS. THE DEPARTMENT HOPES, HOWEVER, THAT THE GENERAL DISCUSSIONS DESCRIBED ABOVE CAN BE A STEP TOWARD GREATER INTERNATIONAL COOPERATION IN THE APPLICATION OF LAW TO TRANSNATIONAL CONDUCT.

THE DEPARTMENT LOOKS FORWARD TO RECEIVING ANY PROPOSALS THE SIX GOVERNMENTS MAY WISH TO MAKE AS TO THE SCHEDULING AND AGENDA OF SUCH DISCUSSIONS.

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Message Attributes

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